

July 30, 2018

Mr. Devin Leary
Human and Rohde, Inc.
512 Virginia Avenue
Towson, MD 21286

Re: Wittstadt Property
13306 Beaver Dam Road
Forest Buffer Variance
Tracking # 03-18-2716

Dear Mr. Leary:

Baltimore County Department of Environmental Protection and Sustainability (EPS) received the above referenced request for a variance to the Baltimore County Code, Article 3 Environmental Protection and Sustainability, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) on April 19, 2018. If granted, the variance would allow the continued use of 0.8 acres of Forest Buffer Easement (FBE) to maintain lawn area adjacent to an existing driveway and a large shed and to allow maintenance of a 15-foot wide woody vegetation free zone adjacent to a pond embankment. The property owner proposes to plant 80 1-inch caliper Maryland native trees in open areas adjacent to the stream and post protective signs to delineate the limits of the continued use area to mitigate for the water quality impacts associated with the proposed variance.

The existing house on this property was built in 1952 prior to the effective date of the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. When the property was subdivided in 2000, compliance with the Forest Buffer Law resulted in the establishment of a 4.4-acre FBE to protect Oregon Branch, a Use-III P stream on the property. The FBE occupies almost half of the 9.4 acre property currently owned by Mark and Kendall Wittstadt. In addition, part of the FBE is adjacent to an existing pond and associated embankment. Full application of the Forest Buffer Law prevents the property owners from utilizing areas on the property that were historically maintained well before the Forest Buffer Law and from maintaining a 15-foot wide woody vegetation free zone along the edge of the pond embankment as stipulated by the Natural Resource Conservation Service pond guidelines. Loss of the areas that were historically maintained and the inability to mow lawn adjacent to the embankment to maintain stability of the pond represents a practical difficulty for the property owners. Consequently, this Department finds that a practical difficulty exists in fully meeting the Forest Buffer Law.

Impacts to water quality will be minimized since the majority of the FBE will remain a non-disturbance area. The proposed continued use area and area required for pond maintenance

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associated with this variance account for approximately 1 acre of the 4.4-acre FBE. Historically, the area adjacent to Oregon Branch has been mowed to the edge of the stream bank and resulted in significant erosion. In order to enhance water quality within the stream and reduce erosion, the property owners propose planting 80 1-inch caliper Maryland trees within 50 feet of the stream and to discontinue maintenance of the adjacent lawn area. Also, FBE signs will be posted to delineate the limits of the proposed continued use area and areas outside of the proposed continued use area will be allowed to regenerate naturally.

Based upon our review and in accordance with Article 33-3-106 and Article 33-3-112(c) of the Baltimore County Code, the variance request is hereby granted with the following conditions:

1. The property owner shall mitigate for the 0.8 acres of impact to the forest buffer by planting 80 1-inch caliper Maryland native trees in the open areas in the FBE within 50 feet of the stream by November 30, 2018. An Environmental Agreement (EA) and planting security (\$4,356) will be required to guarantee the planting for three years. The EA and planting security must be posted by September 30, 2018.
2. A Forest Buffer Protection Plan (FBPP) detailing the mitigation planting must be submitted to Environmental Impact Review for review and approval by September 30, 2018. The FBPP must include data on the type, size, quantity, and location of trees to be planted as well as the security release and plant maintenance notes.
3. Forest Buffer Easement signs must be posted along the limits of the continued use area and the 15-foot wide woody vegetation free zone area adjacent to the pond to delineate the non-disturbance areas of the FBE. The location of the FBE signs must be shown on the FBPP. All areas of the FBE outside the continued use area and the 15-foot wide woody vegetation free zone shall remain non-disturbance areas and be allowed to regenerate naturally.
4. The following note must appear on all plans and plats submitted for this project:

“A variance from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains was granted by the Baltimore County EPS on July 30, 2018. This variance allowed permanent impact to 0.8 acres of Forest Buffer for the continued maintenance of lawn area adjacent to an existing driveway and large shed and maintenance of a 15-foot wide woody vegetation free zone adjacent to a pond embankment. Conditions were placed on this approval to reduce water quality impacts including the planting of Maryland native trees in open areas adjacent to the stream and the installation of protective signs to delineate non-disturbance areas of the forest buffer.”

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It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of this project.

If you have any questions regarding this correspondence, please call Mr. Gris Batchelder at (410) 887-3980.

Sincerely,

David V. Lykens
Deputy Director

DVL/cgb

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains.

Property Owners

Date

Printed Names